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KEVIN J. LUNNY and
8 DRAKES BAY OYSTER COMPANY

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 CALIFORNIA RIVER WATCH,

14 Plaintiff,

15 v.

16 KEVIN J. LUNNY; DRAKES BAY OYSTER
COMPANY; DOES 1-30, inclusive,

17 Defendants.
18

Case No. C 14-00598 EMC

**STIPULATION TO DISMISS
ACTION WITHOUT PREJUDICE
AND [PROPOSED] ORDER**

19 Pursuant to Federal Rule of Civil Procedure 41, Plaintiff California River Watch
20 (“Plaintiff”) and Defendants Kevin J. Lunny and Drakes Bay Oyster Company (together “Drakes
21 Bay”), by and through their respective counsel of record, stipulate to the following:

22 WHEREAS, on October 6, 2014, Drakes Bay and S.M.R. Jewell, in her official capacity
23 as Secretary of Interior, filed a Stipulated Request for Approval of Settlement and Entry of
24 Consent Decree (“Settlement”) in the following related action: *Drakes Bay Oyster Company, et*
25 *al. vs. S.M.R. Jewell, et al.*, Case No. 12-cv-06134 YGR/DMR (N.D. Cal.);

26 WHEREAS, on October 8, 2014, the Hon. Yvonne Gonzalez Rogers issued an order
27 granting the stipulated request for approval of the Settlement and entry of consent decree;
28

1 WHEREAS, Plaintiff wishes to dismiss this lawsuit on the ground the terms of the
2 Settlement fully resolve the issues raised by this lawsuit; and

3 WHEREAS, it is agreed that each party will bear its own fees and costs;

4 NOW, THEREFORE, Drakes Bay and Plaintiff respectfully and jointly request that the
5 Court enter the accompanying proposed order dismissing this action without prejudice.

6 Respectfully submitted,

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8 Dated: November 3, 2014

MORRISON & FOERSTER LLP

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11 By: /s/ Christopher J. Carr
CHRISTOPHER J. CARR
12 Attorneys for Defendants
13 KEVIN J. LUNNY and
DRAKES BAY OYSTER COMPANY

14
15
16 Dated: November 3, 2014

LAW OFFICE OF JACK SILVER

17
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19 By: /s/ Jack Silver
JACK SILVER
20 Attorneys for Plaintiff
21 CALIFORNIA RIVER WATCH

22 **ECF ATTESTATION**

23 I, Christopher J. Carr, hereby attest that Mr. Jack Silver, Esq., concurs in this filing. This
24 attestation is made pursuant to Civil L.R. 5-1(i)(3).
25

26
27 By: /s/ Christopher J. Carr

28 Christopher J. Carr

[~~PRO~~POSED] ORDER

In light of the foregoing stipulation and good cause appearing, the Court hereby GRANTS the parties' stipulated request and hereby dismisses this action without prejudice. Each party shall bear its own fees and costs.

IT IS SO ORDERED.

Dated: 11/5/14

